

Summary of the Rules and Regulations Process

1. **Drafting.** KHPA staff draft a proposed new regulation or an amendment to an existing regulation.
2. **Assessing the economic impact.** Staff prepare an “Economic Impact Statement.”
3. **Grammar review.** Staff send the draft regulation to the Secretary of Administration for review of grammar. If the Secretary does not approve the grammar in the regulation, we cannot proceed.
4. **Legal review.** Staff send the draft to the Attorney General for review of legality. If the Attorney General does not approve the legality of the regulation, we cannot proceed.
5. **Publishing notice in the Kansas Register.** Staff prepare a notice for filing in the Kansas Register. The notice must:
 - A. Describe the regulation.
 - B. Summarize the economic impact of the regulation
 - C. Notify the public of a 60 day comment period (30 days for changes involving drug coverage or reimbursement).
 - D. List where any person may get a copy of the regulations or a copy of the Economic Impact Statement.
 - E. List where any person may send comments (we accept e-mailed comments).
 - C. List the date, time, and place of a “public hearing.”
6. **Conducting a public hearing.** At the public hearing:
 - A. Either staff or the Authority can conduct.
 - B. Staff allow any interested person to present views orally or in writing.
 - C. Staff keep written minutes or may tape-record the hearing.
 - D. Staff must make a list of people who attended the hearing.
 - E. Staff must keep the minutes, any tape-recording, and list of attendees for three years.
7. **Adopting the regulation.** The Kansas Health Policy Authority adopts the regulation:
 - A. Under Kansas law, a board or authority must adopt regulations “at a meeting which is open to the public.”
 - B. Under Kansas law, the proposed regulation must receive approval by a roll call vote of a majority of the total membership.
 - C. The adoption itself may not be delegated to staff.
 - D. The “open meeting” can be by telephone, but a telephone meeting must meet the requirements of the The Kansas Open Meetings Act. That is, KHPA must: (1) send advance notice to all people who have requested notice of all KHPA meetings, and (2) allow members of the public to listen to the phone conversation.
 - E. A letter is prepared to the Secretary of State and signed by the Executive Director confirming that the Authority has adopted the regulation.
8. **Publishing the adopted regulation.** The Secretary of State publishes the regulation.